

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Jay S. Walker, et al. )  
For: SYSTEM AND METHOD FOR )  
TRACKING AND ESTABLISHING )  
A PROGRESSIVE DISCOUNT BASED )  
UPON A CUS )  
TOMER'S VISITS TO A )  
RETAIL ESTABLISHMENT. )  
Serial No.: 09/049,297 )  
Filing Date: March 27, 1998 )  
Examiner: Not Yet Assigned )  
Group Art Unit: 2761 )  
Docket No.: WD2-98-007 )

Assistant Commissioner for Patents  
Washington, D.C. 20231

## TRANSMITTAL LETTER

Sir:

Applicants hereby submit the following documents for the above-identified patent application:

1. Information Disclosure Statement;
2. Form PTO-1449;
3. Copy of (42) references cited therein; and
4. Postcard.

The Commissioner is further authorized to charge any further required fees, or to credit any overpayment, to Deposit Account No. 50-0271. A duplicate copy of this authorization is attached for such purpose.

Respectfully submitted,

Dean Alderucci

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**Certificate of Mailing**

I hereby certify that this correspondence is being sent via first class mail in an envelope with sufficient postage addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on February 23, 1999.

Sylvia Gonzalez  
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Signature

02/23/99  
Date

#3  
A.Wms  
3/29/99

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jay S. Walker, et al. )  
 )  
 For: SYSTEM AND METHOD FOR )  
 TRACKING AND ESTABLISHING )  
 A PROGRESSIVE DISCOUNT )  
 BASED UPON A CUSTOMER'S )  
 VISITS TO A RETAIL )  
 ESTABLISHMENT )      Examiner: Not Yet Assigned  
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 Serial No.: 09/049,297      Group Art Unit: 2761  
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 Filing Date: March 27, 1998      Docket No.: WD2-98-007



Assistant Commissioner for Patents  
 Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed below and on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider these items and to independently

ascertain their teaching.

- A. U.S. Patent No. 4,567,609 entitled "AUTOMATIC CHARACTER RECOGNITION SYSTEM" issued to Travis W. Metcalf on January 28, 1986.
- B. U.S. Patent No. 4,817,166 entitled "APPARATUS FOR READING A LICENSE PLATE" issued to Rafael C. Gonzalez on March 28, 1989.
- C. U.S. Patent No. 4,878,248 entitled "METHOD AND APPARATUS FOR AUTOMATICALLY RECOGNIZING LICENSE PLATE CHARACTERS" issued to Jia-Ming Shyu (et al.) on October 31, 1989.
- D. U.S. Patent No. 4,908,761 entitled "SYSTEM FOR IDENTIFYING HEAVY PRODUCT PURCHASERS WHO REGULARLY USE MANUFACTURERS' PURCHASE INCENTIVES AND PREDICTING CONSUMER PROMOTIONAL BEHAVIOR RESPONSE PATTERNS" issued to Roland Tai on March 13, 1990.
- E. U.S. Patent No. 5,056,019 entitled "AUTOMATED PURCHASE REWARD ACCOUNTING SYSTEM AND METHOD" issued to John Schultz (et al.) on October 8, 1991.
- F. U.S. Patent No. 5,081,685 entitled "APPARATUS AND METHOD FOR READING A LICENSE PLATE" issued to Creed F. Jones, III (et al.) on January 14, 1992.
- G. U.S. Patent No. 5,136,658 entitled "NUMBER PLATE IMAGE DETECTING APPARATUS" issued to Kazuhiro Mori on August 4, 1992.
- H. U.S. Patent No. 5,315,664 entitled "NUMBER PLATE RECOGNITION SYSTEM" issued to Ryohei Kumagai on May 24, 1994.
- I. U.S. Patent No. 5,327,508 entitled "METHOD AND SYSTEM FOR BUILDING A DATABASE AND PERFORMING MARKETING BASED UPON PRIOR SHOPPING HISTORY" issued to David W. Deaton (et al.) on July 5, 1994.
- J. U.S. Patent No. 5,380,991 entitled "PAPERLESS COUPON REDEMPTION SYSTEM AND METHOD THEREOF" issued to Luis Valencia on January 10, 1995.
- K. U.S. Patent No. 5,388,165 entitled "DATABASE MARKETING SYSTEM ..." (ABSTRACT) issued to D. W. Deaton (et al.) on February 7, 1995.

- L. Abstract of EP Patent No. 25754 entitled "SUPERMARKET TROLLEY RETURN INCENTIVE SYSTEM – VERIFIES IDENTITY OF TROLLEY AND ISSUING PRIVILEGE TICKET TO USER" issued to G. Gillett on March 25, 1981.
- M. WO No. 9629668 entitled "INCENTIVE AWARD PROGRAM IMPLEMENTATION SYSTEM FOR DEBIT CARD SYSTEM – IN WHICH PARTICIPANTS OBTAIN PRODUCTS AND SERVICES AS AWARDS FROM AUTHORIZED MERCHANTS WHO ARE PART OF INCENTIVE AWARD PROGRAM, AND COMMUNICATE OVER CREDIT/DEBIT CARD NETWORK" issued to T.L. Ashby (et al.) on September 26, 1996.
- N. Casper, Carol "RESTUARANTS SEEK LOYAL CUSTOMERS" Information Access Company, May 1994 Vol. 6' No. 5' p 18.
- O. "STOP & SHOP DEBUTS MASTERCARD", Information Access Company, October 23, 1995, Sec. No. 44, Vol. 2.
- P. U.S. Patent No. 5,448,471 entitled "CHECK TRANSACTION PROCESSING DATABASE BUILDING AND MARKETING METHOD AND SYSTEM UTILIZING AUTOMATIC CHECK READING" issued to David W. Deaton (et al.) on September 5, 1995.
- Q. U.S. Patent No. 5,459,306 entitled "METHOD AND SYSTEM FOR DELIVERING ON DEMAND, INDIVIDUALLY TARGETED PROMOTIONS" issued to Buddy Stein (et al.) on October 17, 1995.
- R. U.S. Patent No. 5,568,406 entitled "STOLEN CAR DETECTION SYSTEM AND METHOD" issued to Eliot S. Gerber on October 22, 1996.
- S. U.S. Patent No. 5,638,457 entitled "METHOD AND SYSTEM FOR BUILDING A DATABASE FOR USE WITH SELECTIVE INCENTIVE MARKETING IN RESPONSE TO CUSTOMER SHOPING HISTORIES" issued to David W. Deaton (et al.) on June 10, 1997.
- T. U.S. Patent No. 5,687,322 entitled "METHOD AND SYSTEM FOR SELECTIVE INCENTIVE POINT-OF-SALE MARKETING IN RESPONSE TO CUSTOMER SHOPPING HISTORIES" issued to David W. Deaton on November 11, 1997.

- U. U.S. Patent No. 5,689,100 entitled "DEBIT CARD SYSTEM AND METHOD FOR IMPLEMENTING INCENTIVE AWARD PROGRAM" issued to David C. Carrithers (et al.) on November 18, 1997.
- V. U.S. Patent No. 5,710,557 entitled "COMPUTERIZED VALET PARKING SYSTEM" issued to Kai Herman Schette on January 20, 1998.
- W. U.S. Patent 5,745,052 entitled "PARKING LOT CONTROL SYSTEM" issued to Yasuo Matsuyama (et al.) on April 28, 1998.
- X. Marriot, Anne, "A CREDIT DEAL – OR NOT?; CO-BRANDED CARDS' OFFERS RAISE TAKERS, DEBTS", The Washington Times, July 17, 1996 at p. B7.
- Y. Cross, Richard (et al.), "THE CUSTOMER VALUE CHAIN", American Demographics, Inc. Marketing Tools, January 1997/February 1997 at p.14.
- Z. Purpura, Linda, "GREEN HILLS FARMS FINDING GOLD IN FREQUENT-SHOPPER CARDS", Supermarket News, February 24, 1997 at Sec. No.8, Vol. 47; p.19.
- AA. Gilligan, Gregory J., "UKROP'S BRANCHES INTO FINANCE; FOR THE CHAIN'S CEO, THIS WAS A DEAL THAT WAS TOO GOOD TO MISS", The Richmond Times Dispatch, April 27, 1997.
- BB. Bowie, Liz, "FOOD LION LOOKS TOWARD BALTIMORE; AREA A 'GROWTH MARKET' TO CHAIN; 20-25 STORES MAY COME, SOURCES SAY; COMPANY KEEPING QUIET; NO-FRILLS RETAILER POSES COMPETITION FOR REGION LEADER GIANT", The Baltimore Sun Company, April 28, 1997, pg. 11c.
- CC. Stoneback, Diane, "IT'S IN THE CARDS; SUPERMARKETS DEAL SAVINGS TO THEIR BEST SHOPPERS", The Morning Call, June 18, 1997, p D1.
- DD. "A & P/DOMINION JOINS AIR MILES (R) REWARD PROGRAM, Canada Newswire, August 21, 1997.
- EE. Purpura, Linda, "THE GREAT EQUALIZER: WHEN IT COMES TO CUTOMER-LOYALTY PROGRAMS, QUICK REACTIONS TO INCOMING DATA GIVE INDEPENDENT RETAILERS A COMPETITIVE ADVANTAGE", The Supermarket News, September 1, 1997 at Sec. No. 35, vol. 47; p. 17.

FF. Appel, Ted, "SMART COUPONS CUSTOMERS SAVE BIG, STORES TRACK SPENDING WITH DISCOUNT CARDS", The Press Democrat, October 5, 1997.

GG. Blackwell, Richard, "GET CLUB Z POINTS FOR SHOPPING CIBC", The Financial Post, October 9, 1997 at Sec. 1 p. 17..

HH. Bird, Anat, "SUPER COMMUNITY BANKING: SHARPEN STRATEGY TO KEEP YOUR BANK'S MOST PROFITABLE CUSTOMERS FOR LONG HAUL", The American Banker, December 3, 1997 at p. 4.

II. "HERE COME THE CANADIAN MARKETERS", Credit Card Management, January 1998.

JJ. Smith, Rebecca "BUY MORE, PAY LESS; FREQUENT SHOPPER PROGRAMS PROMISE A BRAVE NEW WORLD IN GROCERY BUYING", Pittsburgh Post-Gazette, January 19, 1998 at p. E1.

KK. "CIBC CLUB Z VISA CARD" (<http://www.cibc.com>), download date February 1, 1998.

LL. "YOUR REWARDS ON-LINE", Club Z (<http://www.hbc.com/clubz>), download date February 1, 1998.

MM. "FREQUENT SHOPPER PROGRAMS ARE USED BY 14% OF ALL SUPERMARKETS" (<http://www.retailtech.com/archive/frequent.htm>), download date February 1, 1998.

NN. "TURBOCHARGING YOUR CUSTOMER-LOYALTY PROGRAMS" (<http://retailtech.com/archive/turbocha.htm>) download date February 1, 1998.

OO. Amato-McCoy, Deena, "CO-BRANDED ACME CREDIT CARD REWARDS LOYAL USERS", Supermarket News, June 15, 1998 at p.17.

PP. "A CME MARKETS, U.S. BANCORP DEBUT REWARDS CARD", Card News, June 22, 1998 Vol. 13, No. 12.

1.  Any copy of the items listed above and on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior  Continuation,  Divisional or  Continuation in part application filed under 37 C.F.R. §§ 1.53 or 1.60, U.S. Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
2.  For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): \_\_\_\_\_.
3.  For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): \_\_\_\_\_.
4.  In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

<u>Serial No.</u>	<u>Inventors</u>	<u>Filing Date</u>	<u>Group Art Unit</u>	<u>Examiner's Init.</u>
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The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. These applications have not been listed on the accompanying Form PTO-1449 in order to preserve their secrecy during the course of their prosecution.

5.  No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
  - 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
  - 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
  - 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

6. [ ] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below.

7. [ ] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 11 below.

8. [ ] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:

- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below; and
- b. the attached petition requesting consideration of this Information Disclosure Statement; and
- c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 11 below.

9. [ ] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:

- [ ] 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
- [ ] 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
- [ ] The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 11 below.

10. [ ] I hereby certify:

[ ] that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.

[ ] that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

11. [ ] Please accept payment of the fees due as indicated below:

[ ] A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).

[ ] The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose

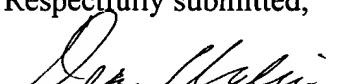
[ ] A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).

[ ] The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

12. [X] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

February 23, 1999  
Date

Respectfully submitted,

  
\_\_\_\_\_  
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